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C O N F I D E N T I A L SECTION 01 OF 03 COLOMBO 001878

SIPDIS

STATE FOR SA/INS  
PACOM FOR FPA

E.O. 12958: DECL: 10/25/2015

TAGS: [PGOV](#) [PHUM](#) [MV](#)

SUBJECT: MALDIVIAN FOREIGN MINISTER HERALDS BEGINNING OF  
"SUBSTANTIVE" REFORM; JUSTIFIES TERRORISM TRIALS OF  
OPPOSITION FIGURES

REF: A. COLOMBO 1823

[1](#)B. COLOMBO 1824

[1](#)C. COLOMBO 1716

Classified By: AMB. JEFFREY J. LUNSTEAD. REASON: 1.4 (B,D).

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SUMMARY  
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[1](#)1. (C) Maldivian Foreign Minister Dr. Ahmed Shaheed, accompanied by Deputy Foreign Minister Aminath Didi and Maldivian High Commissioner Dr. Mohamed Asim, called on the Ambassador in Colombo October 31 to offer the Government of Maldives' (GORM) side of recent events in the country, including the investigation of opposition press figures (Ref A), the sentencing of opposition activist Jennifer Latheef (Ref B) and the trial of opposition leader Mohamed Nasheed. Shaheed acknowledged that the chain of events, which took place over the space of two weeks, likely looked bad to outside observers and blamed the asymmetry of the terrorism charges leveled against Latheef and Nasheed, when compared with the acts they allegedly committed, on Maldives' archaic legal code. Shaheed asserted that President Maumoon Abdul Gayoom remains sincerely committed to democratic reform nonetheless, adding that the Special Majlis formed to consider constitutional amendments stands poised, after a year of debating rules of procedure, to enter the "substantive" phase of its deliberations. The Ambassador expressed concern at recent events and urged the GORM to consider at least some of the recommendations made by various international legal authorities to improve the judicial system. He encouraged dialogue between the GORM and the opposition, noting that even well-intentioned reform efforts imposed from the top down could go awry if they lack popular support. End summary.

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SHAHEED: IT'S NOT AS BAD AS IT LOOKS  
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[1](#)2. (C) Maldivian Foreign Minister Dr. Ahmed Shaheed, accompanied by Deputy Foreign Minister Aminath Didi and Maldivian High Commissioner Dr. Mohamed Asim, called on the Ambassador in Colombo on October 31 to explain the Government of Republic of Maldives' (GORM) side of recent events in the country, including the investigation of opposition press figures (Ref A), the 10-year sentence for terrorism handed down to opposition activist Jennifer Latheef on October 18 (Ref B) and the commencement on October 27 of the terrorism trial of Maldivian Democratic Party (MDP) Chairman Mohamed Nasheed. Claims by Amnesty International and other human rights groups that Latheef was sentenced to ten years for throwing a stone distorted the facts of the case, Shaheed contended; Latheef was convicted of "actually aiding and abetting violence" during a public demonstration in August [1](#)2003. Assertions that the only witnesses against Latheef were policemen were also false, Shaheed said; private citizens also offered testimony during her trial. Allegations that the GORM unduly delayed her sentencing were also unfounded, Shaheed continued, explaining that a number of other related trials (including those of the police officers whose acts of brutality first sparked the protest Latheef participated in) had to take place before Latheef could be sentenced. (Note: There was a hiatus of 14 months between the conclusion of Latheef's trial and the sentencing. She was allowed at least one trip overseas during that time.) Shaheed noted Latheef has the right to appeal her sentence. Finally, he said that she might serve only a short portion of her sentence, as in common in Maldives.

[1](#)3. (C) With respect to complaints that Nasheed's defense attorney had not been given access, as promised, to the evidence against his client, Shaheed explained that under the Maldivian legal system the prosecution turns over the evidence on the first day of the trial to the judge, who then turns it over to the defense. (Note: The Attorney General offered the same explanation of the process when the Ambassador spoke with him by telephone on October 27.) During the opening day of the trial on October 27, Nasheed's attorney had asked for an adjournment of 90 days to study the

evidence against the MDP leader, Shaheed reported, which the judge may grant. He added that after Nasheed was taken away at the end of the trial's first day, some people attempted to storm the courthouse, and some arrests were made. He cited other disturbing incidents--the home of a High Court judge was broken into and an MDP member had reportedly held a meeting to denounce all judges as traitors--as causes of concern for the GORM. Some contributors to the opposition "Minivan" newspaper (Ref A) are under investigation, Shaheed conceded--but for activities unrelated to their profession as journalists, adding that one had been arrested for narcotics trafficking in 2000.

14. (C) President Maumoon Abdul Gayoom remains as committed to reform as ever, Shaheed averred. The Information Minister has cleared all pending applications for new newspapers and magazines, he reported, and is consulting stakeholders on a new press code and the formation of a press council. The Special Majlis, formed in 2004 to consider proposed constitutional amendments, is ready now, after a year largely spent in finalizing rules of procedure, to begin the second phase--which Shaheed described as the "substantive part"--of the reform process. The GORM hopes to solicit input into this important endeavor from all the stakeholders, he said. He blamed the tsunami and the lack of public education in the rudiments of democracy for the delay, but noted that "we realize we must move ahead." The problem is that "elements of the old system," like the rigid and antiquated penal code under which Latheef was sentenced, still exist, giving the judge little leeway in sentencing once she was found guilty of the charge and thus complicating efforts to show that her trial conforms to the reform program, the Foreign Minister remarked. "We know the events of August (12-14) do not constitute terrorism per se," he acknowledged, and "the old system has to respond to new challenges" like open dissent and opposition protests. Once the Maldives enacts a new penal code, "these sentences will be a thing of the past," he predicted. In the meantime, however, the only thing the GORM can do under existing circumstances is to "be open and transparent and ask for help" from the international community, he concluded.

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MANY RECOMMENDATIONS ARE MADE,  
BUT FEW ARE CHOSEN  
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15. (C) The Ambassador thanked the Foreign Minister for his visit and noted the importance of recent events in Maldives. Stressing US support for Maldives' genuine reform efforts, the Ambassador said that he has often defended the reform process against critics who deride it as a sham. Emphasizing that he has always believed Gayoom to be sincere in his posture on reform, the Ambassador expressed concern that Latheef's harsh sentence and Nasheed's trial raised serious questions about the reform process. Acknowledging that objectivity is difficult when the Embassy, without a presence on the ground in Maldives, must rely on others for information, the Ambassador said he understood the evidence presented against Latheef was ambiguous at best. The GORM has readily admitted on numerous occasions that its judicial system contains severe flaws, he observed, and has actively solicited--and received--advice from a number of international authorities on how to improve. Could not some of the many changes recommended have been adopted to avert the appearance of a stacked deck against Latheef? the Ambassador asked. Failing to implement any of the international judicial authorities' suggestions in time for the Latheef trial left the GORM open to charges of unfairness, he noted; a similar failure to do so in time for Nasheed's trial--which is bound to draw even greater public scrutiny--could bring it even harsher criticism, the Ambassador said. While acknowledging the need for GORM to maintain sovereignty over its legal system, the Ambassador suggested it might consider ways to engage more continuously with the international legal community.

16. (C) Recalling his September 25-27 visit to Maldives (Ref C), the Ambassador said he had stressed to all interlocutors, including those in the MDP, that both the GORM and the opposition have responsibilities in the reform process. During that most recent visit, he sensed increasing public distrust of GORM motives, he commented. Thus it is crucial that the GORM demonstrate now that the reform process is real, he advised Shaheed. The single most important thing the GORM could do immediately, he suggested, is to open dialogue with members of the MDP. The Ambassador cautioned that imposing top-down change on people without grassroots consultations--even if undertaken with the best of intentions--might prove counter-productive.

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REFORM SENTIMENT VS.  
DESIRE FOR STABILITY  
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17. (C) There are limitations on how far the GORM can go to accommodate pro-reform sentiment at the moment, Shaheed responded. Unused to dissent, the biggest concern of the GORM right now is stability, he explained; "we're not accustomed to turbulence." Although individuals in the government have varying degrees of commitment to reform, Shaheed said, there is nonetheless a "critical mass" at present within the Cabinet that favors reform, although the events of August 12-14, 2005 "dampened the wave of reform begun" by the new Cabinet appointees. Now that the trials of those arrested in the August 12-14 unrest (including Nasheed) have begun, reform can progress, he said optimistically, adding that the oft-promised reform "roadmap" would be unveiled within the next few weeks. He cited an initiative to appoint a judicial commission with authority to hire and fire judges (a power held solely by the President at the moment) as an important step to be taken at some point soon. The GORM maintains frequent contact with members of the MDP, he reported, asserting that there is "tension" within the opposition movement itself among those who disagree on the pace of reform.

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COMMENT  
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18. (C) The usually suave Shaheed seemed more nervous and less eloquent than we have ever seen him. His almost sheepish attempts to reassure us that, with one leading opposition figure's daughter now safely away for ten years through a questionable process and the trial of another MDP leader underway, "substantive" reform may now begin were unpersuasive, and he knows it. (In a phone conversation with the Ambassador last week, Shaheed admitted his own concerns about the Latheef and Nasheed trials.) Official GORM responses to international pressure for reform are falling into a disturbingly familiar pattern--acknowledging the need, lamenting that the time is not right just now, but welcoming international help in the future. As the Ambassador pointed out, the GORM has already asked for and received numerous suggestions from foreign experts on needed reforms, some of which could and perhaps should be implemented. The battle within the GORM between a desire for "stability," as Shaheed described it, and the need to respond to reform demands continues. For now, as Shaheed reported, maintaining stability and averting "turbulence" remains the overriding concern for the GORM.

LUNSTEAD